

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ANNIE BELL LAMBERT,

*

Plaintiff,

*

CASE NO. 1:08-cv-00080-SRW

v.

*

WINN-DIXIE STORES, INC.,

*

**Formerly in the Circuit Court of
Houston County, AL**

Defendant.

*

Case No. 08-900008-L

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

COMES NOW, Winn-Dixie Stores, Inc., ("Winn-Dixie") a Defendant in the above-styled cause, and, pursuant to FED. R. CIV. P. 56, moves this Court for Summary Judgment as to each and every count asserted against it by Plaintiff Annie Bell Lambert. As grounds therefor, Winn-Dixie states that there is no genuine issue of material fact as to any of the claims asserted against it by Plaintiff, and that it is entitled to judgment as a matter of law on each such claim, as this Defendant is not the proper party. This motion is based upon the pleadings filed to-date, as well as Winn-Dixie's brief in support of summary judgment and exhibit attached thereto, filed contemporaneously herewith.

s/M. Warren Butler

M. WARREN BUTLER

BUTLM3190

SCOTT D. STEVENS

STEVVS0320

Attorneys for Defendant

Starnes & Atchison LLP

RSA Battle House Tower, 34th Floor

P. O. Box 1548

Mobile, AL 36633-1548

Phone: (251) 405-5065

E-mail: wbutler@starneslaw.com

sstevens@starneslaw.com

CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing on the following parties or attorneys of record by filing same with the Clerk of Court via CM/ECF or by U. S. MAIL, postage prepaid, this the 18 day of July, 2008:

Jake A. Norton, Esq.
Cochran, Cherry, Givens,
Smith, Lane & Taylor, P.C.
P. O. Box 927
Dothan, AL 36302
Fax: 334-793-8280
Phone: 334-793-1555

s/M. Warren Butler

M. WARREN BUTLER
BUTLM3190